

Summary of the 2005 Aquatic Lands Act Recodification

This summary describes changes made to the Aquatic Lands Act (previously chapters 79.90, 79.91, 79.92, 79.93, 79.94, 79.95, 79.96, 79.97, and 79.100) by the Washington State Legislature in 2005. The Code Reviser's Office assigned new chapter and section numbers after the bill was signed into law.

Chapter 43.30, Department of Natural Resources - One section on the role of the Board of Natural Resources as state Harbor Line Commission was moved from 79.90.

Chapter 79.90, Aquatic Lands -- In General - Now **Chapter 79.105**.

- Thirty-two (32) sections were moved to other chapters.
- Two definitions sections were merged and basic definitions for “tidelands” and “shorelands” created.
- Two sections with multiple topics were split to create two new single-topic sections.
- One section on easements was split to create a new section on public utility lines in 79.91.
- One section on unauthorized improvements was duplicated and moved from 79.94.
- One section on abstracts of state owned lands was deleted, as it is covered in 79.02.200. The changes consolidated law dealing with the general duties of the DNR in managing state-owned aquatic lands.
- It was organized in six parts, with rewording in sections to modernize language and correct grammar.
- Remaining sections were internally rearranged for better organization.

Chapter 79.91, Aquatic Lands – Easements and Rights of Way - Now **Chapter 79.110**.

- Two sections on easements were moved from 79.90.
- Chapter was organized in four parts, with rewording in sections.

Chapter 79.92, Aquatic Lands – Harbor Areas - Now **Chapter 79.115**.

- One section on improvements and one section on the harbor line commission were moved from 79.90.
- Chapter was organized in two parts, with rewording in sections.

Chapter 79.93, Aquatic Lands – Waterways and Streets. Now **Chapter 79.120**.

- One outdated section on records was deleted, with rewording in remaining sections.

Chapter 79.94, Aquatic Lands – Tidelands and Shorelands - Now **Chapter 79.125**.

- Sixteen (16) sections on sale procedure were moved from 79.90.
- One section on surveys was deleted, as it is covered in 79.90.120.
- Sections were internally rearranged for better organization.
- Chapter was organized in six parts, with rewording in sections.

Chapter 79.95, Aquatic Lands – Beds of Navigable Waters - Now **Chapter 79.130**.

- One section on exchange of bedlands was moved from 79.90, with rewording in sections.

Chapter 79.96, Aquatic Lands – Oysters, Geoducks, Shellfish, Other Aquacultural Uses, and Marine Aquatic Plants - Now **Chapter 79.135**.

- Two sections were moved from 79.90 dealing with Bush Act/Callow Act and with aquaculture rents.
- Sections were internally rearranged for better organization.
- Chapter was organized in five parts, with rewording in sections.

A new **Chapter 79.140** Valuable Materials was added with law that applies to the sale of valuable materials.

- Ten (10) sections on sale of valuable materials were moved from 79.90.
- Ten (10) new on sale procedures were created, duplicating sections in 79.90.
- Chapter was organized in two parts, with rewording in sections.

Chapter 79.97, Marine Plastic Debris - Now **Chapter 79.145**.

- Rewording in sections.

Chapter 79.100, Derelict Vessels

- Rewording in sections.

General Changes

Many section captions (which are not part of the law) were revised to clarify the subject.

Gender. RCW 44.04.210 requires that all statutes adopted after July 1, 1983, should be written in gender-neutral terms unless a specification of gender is intended. Where noted in the revision process, amendments were written in a gender-neutral format.

This recodification will require the DNR to subsequently update WAC 332-30. Changes may range from simply updating the statutory authority reference to incorporating text changes for consistency. Most of these changes could be addressed under expedited rule-making.